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Practitioner's Docket No. U 015110-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: KLONY LIEBERMAN, et al.

Application No.: 10/823,337

Group No.

Filed: April 13, 2004

Examiner:

For: MULTIFUNCTIONAL INTEGRATED IMAGE SENSOR AND APPLICATION TO VIRTUAL INTERFACE TECHNOLOGY

[ ] \*Patent No.:

Issue Date:

\*NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application serial number and filing date, and add Mail Stop M. Fee to address.

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS  
(37 CFR § 1.27(g)(2))

NOTE: 37 C.F. R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) "Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate.

NOTE: From the above portion of 37 CFR 1.27(g)(2), it is only a change in status "resulting in loss of entitlement to small entity status" that must be filed, and a change from one small entity status to another small entity status requires no notification

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does **not** result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

FACSIMILE



deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



transmitted by facsimile to the Patent and Trademark Office.

Signature

JULIAN H. COHEN

(type or print name of person certifying)

Date: April 30, 2004

- Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

05/05/2004 AHND0AF1 00000076 10823337

770.00 BP  
602.00 BP  
342.00 BP

01 FC:1001  
02 FC:1201  
03 FC:1202

1. Applicant asserted small entity status in this application on April 13, 2004 (date).

(complete all items below which apply if known)

The assertion was by

- ☒ payment of the basic ☒ filing ☐ national fee as a small entity (37 C.F.R. § 1.27(c)(3))
- ☐ submission of a Statement or written assertion of small entity status (37 C. F. R. § 1.27(c)(1))

**WARNING:** "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

2. Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

**WARNING:** "The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b)." 37 C.F.R. § 1.27(g)(2).

35 C.F.R. § 1.33(b):

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Date April 30, 2004

JULIAN H. COHEN

(print or type name of person signing)

  
Signature

c/o Ladas & Parry, 26 West 61<sup>st</sup> Street

P.O. Address of signatory

New York, New York 10023

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)

Registration No:

(if applicable)

Telephone No. ( )

Reg. No.

Customer No.

*(complete the following, if applicable)*

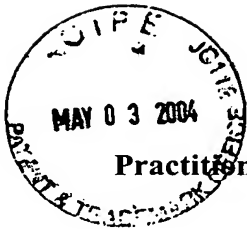
\_\_\_\_\_  
*(type name of assignee)*

\_\_\_\_\_  
Address of assignee  
\_\_\_\_\_

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY  
(37 C.F.R. § 1.28(c))**

*NOTE: 37 C.F.R. § 1.28(c): "(c) How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section."*

*NOTE: 37 C.F.R. § 1.28(c)(1): "Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b)."*

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using *Express Mail*, the *Express Mail* label number is mandatory;  
*Express Mail* certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

**37 C.F.R. § 1.8(a)**

☒ with sufficient postage as first class mail.

**37 C.F.R. § 1.10**

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office (703) \_\_\_\_\_

Signature \_\_\_\_\_

Date: April 30, 2004

JULIAN H. COHEN

(type or print name of person certifying)

- Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## Erroneous Filing of Small Entity Statement

1. On April 13, 2004, a small entity fee was erroneously paid in this  
[x ] application  
[ ] patent
2. This payment of fee(s) as a small entity was made in good faith.
3. It has now been discovered that such fee as a small entity was paid in error.

## Itemization of the Fee(s) Erroneously Paid as Small Entity

**NOTE:** 37 C.F.R. § 1.28(c)(2): "Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section."

**NOTE:** 37 C.F.R. § 1.28(c)(3): "Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office."

4. (complete the following applicable item(s))

<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED</u>
<input checked="" type="checkbox"/> Filing fee paid on <u>April 13, 2004</u>	\$ <u>385.00</u>	\$ <u>385.00</u>
<input checked="" type="checkbox"/> Fee for excess claims (over 20) paid on <u>April 13, 2004</u>	\$ <u>171.00</u>	\$ <u>171.00</u>
<input checked="" type="checkbox"/> Fee for independent claims over 3 paid on <u>April 13, 2004</u>	\$ <u>301.00</u>	\$ <u>301.00</u>
<input type="checkbox"/> Extension of time fee paid on _____	\$ _____	\$ _____
<input type="checkbox"/> The issue fee paid on _____	\$ _____	\$ _____
<input type="checkbox"/> _____ maintenance fee (First, second or third) paid on _____	\$ _____	\$ _____
<input type="checkbox"/> Other:		

**WARNING:** "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . . " 37 C.F.R. § 1.28(c)(2)(i).

**NOTE:** 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

**Total deficiency owed \$ 857.00**

**NOTE:** 37 C.F.R. 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status."

### Payment of Deficiency

5. The total deficiency owed is paid as follows:

- ☒ Attached is a check in the amount of \$ 857.00
- ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
- ☐ to Deposit Account No. 12-0425  
A duplicate of this paper is attached.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above to deposit account 12-0425.

Reg. No.: 20302

Tel. No.: (212) 708-1887

Customer No.: 00140



SIGNATURE OF PRACTITIONER

JULIAN H. COHEN

*(type or print name of practitioner)*

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N. Y. 10023